

REMARKS

I. Status of the Claims

Claims 1-84 were previously cancelled.

Without prejudice or disclaimer, claims 89, 91, 92, 94, and 144 have been cancelled, and claims 85, 86, 90, 93, 95, 98, 101-106, 111, 112, 117-120, 123, 124, 129, 130, 135, 140, 142, 145, 146, 176, 183, and 184 have been amended. Support for those amendments can be found either in the claims as originally filed or in the specification, for example, at page 9, lines 22-25, and at page 28, lines 11-19 as originally filed. Accordingly, no new matter is added herein.

Claims 85-88, 90, 93, 95-143, 145-184 are pending with entry of this amendment.

II. Restriction /Election Requirement

In the Office Action, alleging that “[c]laims 85-183 are drawn to more than one inventive concept (as defined by PCT Rule 13)”, the Office requires a restriction between

Group I: Claims 85-175, allegedly drawn to a cosmetic composition,

Group II: Claims 176-182, allegedly drawn to a cosmetic kit, and

Group III: Claim 183, allegedly drawn to a cosmetic method.

Office Action at 1-3.

The Office further requires

(1) an election of a single linear block copolymer, wherein the monomers must be specified by name or chemical structure, and the architecture of the polymer must also be specified, and

(2) an election of a single gelling agent, wherein the gelling agent must be specified by name or chemical structure.

Id., at 4.

Applicants respectfully disagree and traverse for the following reason.

It is Applicants' position that the current claims, as amended, do share at least one special technical feature that makes a contribution over the prior art. For example, the at least one ethylenic block polymer encompassed by all of the current claims, as amended, constitute the one inventive concept required for the determination of unity of invention. Applicants thus respectfully request that the restriction/election requirement be withdrawn.

However, to be fully responsive, Applicants provisionally elect, with traverse, to prosecute the subject matter of Group I, claims 85-175, drawn to a cosmetic composition. Applicants further note that the Office omitted claim 184, which is drawn to a cosmetic composition as well. Applicants hereby requests that claim 184 be included in Group I and examined together with claims 85-175.

Applicants further elect, with traverse,

(1) a copolymer of isobornyl methacrylate /acrylic acid /isobutyl acrylate, wherein one block comprises isobornyl methacrylate /acrylic acid, and the other block comprises isobutyl acrylate. Claims 85-88, 90, 93, 95-100, 104-116, 135-137, and 141-175 are believed to encompass this elected species; and

(2) silica as the single gelling agent. Claims 85-88, 90, 93, 95-143, and 145-175 are believed to encompass this elected species.

Finally, if the Office chooses to maintain the election of species requirement, Applicants expect the Office, if the elected species is found allowable, to continue to examine the full scope of the elected subject matter to the extent necessary to determine the patentability thereof, as required by M.P.E.P. § 803.02 and 35 U.S.C. § 121.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.



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By: _____

Wen Li
Reg. No. 62,185

Tel: (650) 849-6649